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Linda McCulloch
Superintendent

Memorandum

DATE: December 19, 2002

TO: School Food Authority Administrators

FROM: Christine Emerson, Director
School Nutrition Programs

SUBJECT: Meals Served to Students Placed in Schools Not Participating in the National School Lunch Program (NSLP)

When a public school district is unable to provide needed services directly to children, the district may contract with a school to provide the needed services. For example, public school districts may place children who are discipline problems in an alternative school or place disabled children in a specialized school.

Meals served to children who are placed by a public school district in special schools or institutions which are either not eligible to participate or choose not to participate in the NSLP and/or the School Breakfast Program (SBP) may not be claimed for reimbursement.

Section 12 (d)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(3)) (NSLA) and section 15(3) of the Child Nutrition Act of 1966 (41 U.S.C. 1784(3)) define an eligible school as any public or nonprofit private school of high school grade or under, and any public or licensed nonprofit private residential child care institution. NSLP and SBP regulations found at 7 CFR 210.2 and 220.2 require that schools and institutions must be recognized as part of the educational system in the state in order to be eligible schools for program purposes. For profit schools/institutions are not eligible to participate in the NSLP and/or SBP.

Meals may not be claimed for reimbursement by the placement school, the home district, or another participating school (even if the home district or another participating school provides the meal), if the meal is served in schools that are not eligible to participate in the NSLP/SBP or served in schools that choose not to participate.

If you have any questions concerning this issue, please contact Holly Humphrey, School Nutrition Programs Specialist, at (406) 444-4413.